

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Ahti Muhonen	CONF. NO.:	6794
SERIAL NO.:	09/836,792	ART UNIT:	2617
FILING DATE:	April 17, 2001	EXAMINER:	Bryan J. Fox
TITLE:	METHOD AND APPARATUS FOR SELECTING SYSTEMS, MODE, AND FUNCTION IN AN ADAPTIVE TERMINAL		

ATTORNEY DOCKET NO.: 309-010118-US (PAR)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Reconsideration of the rejection of the claims is respectfully solicited in light of the following remarks.

REMARKS

A. The Examiner has failed to establish that the combined teaching of the cited references Van den Heuvel, G.B. Patent No. 2,294,844 in view of the disclosure of Bridges, et al, U.S. Patent No. 6,546,246 and further in view of the reference Sainton, et al, U.S. Patent No. RE38787, disclose or suggest each and every limitation of claims 1,2, and 5-10 of this application.

The Examiner has acknowledged that van den Huevel fails to teach that the subscriber unit will store identification information. The reference Bridges is cited

to remedy this deficiency. The Examiner has further acknowledged that the combined teaching of van den Huevel and Bridges fails to teach receiving data over a common system parameter channel from a local one of said independent, globally dispersed networks into which the mobile station has traveled.

The acknowledged deficiencies of the teaching of van den Huevel and Bridges are not remedied by the teaching of the cited reference Sainton for the reasons stated below.

The reference van den Heuvel teaches a system for providing a selection process for a subscriber to allow the use by a subscriber of certain features available in multiple communications systems 11-17 coupled together by a common wireline system 18. It requires an initial contact with a common system 19 to receive information on available networks and their features. There is no capability, disclosed in van den Heuvel, for performing the claimed functions from data stored on the mobile phone, but instead van den Heuvel is totally reliant on the service of the common system. The system of van den Heuvel is, therefore, limited in its application and cannot provide the globally adaptive function of the subject invention.

The reference Bridges involves a system by which a mobile station, in roaming mode, may access another wireless network that has a preferred status by virtue of a prearrangement with the home provider. This is described in the reference Bridges, beginning at column 8, line 51 through column 9, line 1. The system of Bridges requires a list of preferred service providers, it does not contemplate service access through independent, globally dispersed cellular networks. The system of Bridges is, therefore, also limited in its application and cannot provide the globally adaptive function of the subject invention.

The Examiner cites the reference Sainton, in particular the description at column 16, lines 32-58, as disclosing the claimed, 'independent, globally dispersed networks into which the mobile stations the mobile stations have traveled, wherein said data is received directly, without reliance on any local area network or wireline system"

The system of Sainton is limited to a network of wireless service providers that permit the borrowing of radio frequencies among the wireless service providers of the network. This network includes service providers within the same geographic region. This is clear from the abstract and the excerpt at column 16, lines 28-30 of Sainton .

The system of Sainton allows the borrowing of frequencies among service providers so that, when a cellular service provider, in a given region, experiences demands that overload its system, available frequencies may be borrowed from a competitive service serving the same region.

It is clear that the system of Sainton is not equipped for use among independent globally dispersed networks as the Examiner has indicated. The combined teachings of van den Heuvel, Bridges and Sainton fail to support *prima facie* obviousness. The systems of van den Heuvel, Bridges, and Sainton are limited in there use and cannot provide the globally adaptive function of the subject invention.

The combined teaching of van der Huevel, Bridges, and Sainton is further traversed because there is no motivation in such diverse disclosures or in the knowledge generally available to one of ordinary skill in the art to obtain Applicant's invention by the proposed combination of disclosures. Neither reference provides the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the

combined teaching of the cited references. The Examiner is attempting to combine systems that are significantly different in operation.

To obtain a teaching of the system described in the claims of this application, the Examiner requires the person skilled in the art to pick over the combination of the multiple communications systems of van den Heuvel that are coupled together by a common wireline system and require an initial contact with a common system; with the system of Bridges involving a system by which a mobile station, in roaming mode, may access another wireless network that has a preferred status by virtue of a prearrangement with the home provider; and the system of Sainton that allows the borrowing of frequencies among service providers in a given region. Applicant submits that the only common thread among these references is the subject application and that, to advocate this combination as obvious to one skilled in the art, is beyond the doctrine of obviousness.

The rejection of claims 3 and 4 based on the combined teaching of van den Heuvel, Bridges, and Sainton in further view of Henry (US5603084), is traversed on the same basis as stated above. Applicant submits that the above described deficiencies of the primary reference van den Heuvel are not remedied by the proposed combination with the teachings of the references Bridges and Sainton or Henry. The combined references do not therefore support a *prima-facie* case of obviousness with respect to any of the claims under consideration. The modification of the teachings of the cited references, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above remarks present the most significant issues joined in the prosecution of this application. Applicant reserves the right to make further remarks with respect to collateral issues and references involving specific dependent claims in the event this application proceeds to a full appeal.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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